

TOWN OF LAUDERDALE-BY-THE-SEA

TOWN COMMISSION

SPECIAL MEETING AND PUBLIC HEARING

AMENDED AGENDA

Town Commission Meeting Room

4501 Ocean Drive

Friday, September 14, 2007

7:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

Mayor Parker called the meeting to order at 7:08 p.m. Vice Mayor Yanni, Commissioner McIntee, Commissioner Silverstone, Mayor Pro Tem Clark were present. Also present were Town Attorney James Cherof, Town Manager Esther Colon and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. REPORTS

A. Fire Assessment Report – Michael Burton

Michael Burton, Burton & Associates gave a PowerPoint presentation (hereunto attached as part of these minutes). He indicated he had several telephone conversations with Chief Siever of the Broward Sheriff's Office regarding staffing and operations protocols and incorporated their allocation analysis into his Final Report.

Mr. Burton said he evaluated the effects of cross-benefit realized by over-qualification of Fire Service and EMS staffing. He said the net effect shifts \$65,838 of personnel costs from Fire Service to EMS in BSO provided budget. He added that combined with a fundamental reallocation from Fire Service to EMS in the BSO provided budget results in a net re-allocation of \$260,229 from Fire Service to EMS

Mr. Burton explained the current assessment methodology allocation to property classes by calls-for-service with residential costs at \$1,637,138 in the test year compared to \$1,853,193 in the prior year allocation as shown on page 5 of his presentation. He also pointed out the differences between non-residential costs and the total fire cost allocated to real property.

Mr. Burton explained the difference in the total residential costs with millage rates calculated at \$239 and \$260, as shown on page 6 of his presentation.

4. RESOLUTIONS

A. RESOLUTION 2007-15: Fire Assessment – PUBLIC HEARING

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, EQUIPMENT, FACILITIES AND PROGRAMS WITHIN THE TOWN OF LAUDERDALE-BY-THE-SEA; LEVYING THE FIRE PROTECTION SPECIAL ASSESSMENT UPON SPECIALLY BENEFITTED AND ASSESSED PROPERTIES LYING WITHIN FIRE PROTECTION SPECIAL ASSESSMENT AREA - TOWNWIDE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAUDERDALE-BY-THE-SEA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2007; APPROVING, CONFIRMING, AND ADOPTING THE NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR OTHER MATTERS RELATING TO THE FIRE PROTECTION SPECIAL ASSESSMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cherof read Resolution 2007-15 by title on 1st reading.

Mayor Parker opened public portion of the hearing.

John Toole believed EMS was an extremely important part of the fire department and safety was primary. He believed the Town should have professional fire service and should not eliminate it simply because there were no major fires.

Lisa Mitchell questioned whether the elderly would be safe once cross training was cut. Ms. Mitchell wanted the fire assessment lowered to \$130.

Maureen McIntee congratulated Commissioner Silverstone for finding a professional to present a fair fire assessment report. She believed EMS should not be included in the fire assessment.

Birute Cottery did not feel that the charges the Broward Sheriff's Office charged needed to be paid.

Cindy Geesey believed that Manager Colon could squeeze a rock and get a buck out of it and for that reason saw no need to cancel the contract with Broward Sheriff's Office.

Christie Furth indicated that she paid more tax dollars for thirteen units than Publix and Sea Ranch Lakes paid.

Diane Boutin wanted relief from her tax bill. She believed this community was a partnership and as such should be equally assessed. Ms. Boutin felt that the Town of Lauderdale-By-The-Sea needed budget better.

John Thompson disagreed with Mr. Burton's analysis that 60 or 80% of fire calls were EMS calls.

Stuart Dodd made suggestions as to how to reduce taxes and face issues.

John MacMillan said that the Broward Sheriff's Office should be put on notice and the Town of Lauderdale-By-The-Sea should negotiate with Ft. Lauderdale and other cities for fire services.

With no one else wishing to speak, Mayor Parker closed the public portion of the hearing.

At Mayor Parker's request, Attorney Cherof advised next step in the process was to entertain a motion to approve the Resolution as prepared in the agenda package, or entertain a motion to amend the motion.

Attorney Cherof advised that if the Resolution died for lack of a motion there would be no Resolution adopted and therefore, there would be no assessment adopted.

Mayor Pro Tem Clark made a motion to adopt Resolution 2007-15. Commissioner McIntee seconded the motion.

Commissioner McIntee made a motion to amend the assessment to \$130. Commissioner Silverstone seconded the motion.

Vice Mayor Yanni made a motion to amend to \$239. Mayor Pro Tem Clark seconded the motion. Mayor Parker amended the amendment to \$0. Attorney Cherof advised that the last two amendments were out of order.

In a roll call vote, the motion carried 3-2 with Vice Mayor Yanni and Mayor Pro Tem Clark dissenting. The motion to amend the assessment to \$130 carried.

Vice Mayor Yanni amended the motion to \$239. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion failed 3-2 with Commissioner McIntee, Commissioner Silverstone, and Mayor Parker dissenting.

Mayor Parker made a motion to amend the amendment to \$0. The motion died for lack of a second.

Commissioner Silverstone made a motion to amend the amendment to \$100. Mayor Parker seconded the motion. In a roll vote, the motion failed 3-2 with Vice Mayor Yanni, Commissioner McIntee and Mayor Pro Tem Clark dissenting.

Mayor Parker made a motion to amend the motion to \$125. The motion died due to lack of a second.

Discussion followed regarding the North Beach Annexation Agreement for fire services between the North Beach citizens with the North Beach citizens using the Broward Sheriff's Office Fire Services and the South end of Town using the Volunteer Fire Department.

B. RESOLUTION 2007- 16: Stormwater Assessment – PUBLIC HEARING

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, RELATING TO THE LEVY AND COLLECTION OF THE TOWN'S STORMWATER MANAGEMENT UTILITY FEES USING THE PROCEDURES SET FORTH IN SECTION 197.3632, FLORIDA STATUTES, WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAUDERDALE-BY-THE-SEA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2007; APPROVING, CONFIRMING, AND ADOPTING THE STORMWATER MANAGEMENT UTILITY FEES; PROVIDING FOR OTHER MATTERS RELATING TO THE LEVY AND COLLECTION OF THE STORMWATER MANAGEMENT UTILITY FEE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Attorney read Resolution 2007-16 by title.

Mayor Parker opened the public portion of the hearing.

Stuart Dodd believed the Stormwater Utility fee should be abolished.

John Thompson believed the Stormwater Utility fee was an illegal tax and not a special assessment.

With no one else wishing to speak, Mayor Parker closed the public portion of the hearing.

Commissioner Silverstone made a motion to have no Stormwater Assessment. Mayor Parker seconded the motion. Brief discussion followed explaining the purpose of the stormwater utility fee.

In a roll call vote, the motion carried 3-2 with Vice Mayor Yanni and Mayor Pro Tem Clark dissenting.

C. RESOLUTION 2007-17: Proposed Millage – PUBLIC HEARING

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, ADOPTING A FINAL MILLAGE RATE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; STATING THE PERCENTAGE AMOUNT THE PROPOSED RATE EXCEEDS THE ROLLED BACK RATE; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Attorney read Resolution 2007-17 by title.

Commissioner McIntee made a motion to adopt the millage rate at 4.35. Commissioner Silverstone seconded the motion.

Discussion followed regarding the likelihood of reducing the millage rate. Attorney Cherof pointed out that in Section 1, the proposed millage rate of 4.3500 exceeded the 4.1012 roll back rate by 6.0665%. He also pointed out a typo in the body of the resolution and specified that the second and final public hearing was September 27, 2007 at 7:00 p.m. Attorney Cherof also advised that in the first "Whereas" clause the proposed millage rate was not 4.1012, but 4.3500.

Commissioner McIntee made a motion to amend the Resolution to correct typographic errors as noted. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting.

Mayor Parker opened the public portion of the hearing.

Maureen McIntee believed the millage rate would have been lower this year had the Commission voted for 3.99% last year.

John Thompson believed the overall millage for this year had increased 41%.

With no one else wishing to speak, Mayor Parker closed the public portion of the hearing.

Vice Mayor Yanni made a motion to amend the millage rate to 3.8%. Mayor Parker seconded the motion.

Commissioner Silverstone asked whether lowering the millage rate was doable. Manager Colon recommended the millage of 4.35% until she would have time to analyze it as a lower millage rate could hurt the Town.

Commissioner McIntee questioned whether bringing the millage rate lower than the roll back rate would result in the loss of \$597,000 in sales tax revenue. Manager Colon said it would not.

Attorney Cherof reminded the Commission that this was the first of two public hearings and recommended Manager Colon's recommendation to give her a chance to review and analyze the lower rate proposed.

Mayor Parker insisted the people needed tax relief. Vice Mayor Yanni agreed.

In a roll call vote, the motion to amend failed 4-1 with Mayor Parker voting yes.

Commissioner Silverstone made a motion to adopt the Resolution as amended at the 4.35 millage. Mayor Pro Tem Clark seconded the motion. In a roll call vote, the motion carried 4-1 with Mayor Parker dissenting.

Commissioner Silverstone noted that towards the end of the September 11, 2007 meeting Ordinance 2007-13 was approved on first reading where the appointment of any elected official from the January 29, 2008 election would be at the last meeting in

February, approximately 30 days later. He said that was not acceptable and requested reconsideration to change that Ordinance to read the first meeting in February as the appointment date of elected officials. Mayor Parker advised that could be done at the second reading on September 27, 2007.

D. RESOLUTION 2007-18: Tentative Budget – PUBLIC HEARING

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE BY THE SEA, FLORIDA, ADOPTING A FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Attorney read Resolution 2007-18 by title.

Mayor Parker opened the public portion of the hearing.

Diane Boutin urged the Commission to take the time to be fiscally conservative. She felt that not funding other projects not currently under contract was not in the best interest of the Town of Lauderdale By-The-Sea.

John Thompson believed that the reason the Town was faced with their dilemma was due to previous decisions. He talked about the contingently reserves, the emergency reserves and the sinking funds. Mr. Thompson said that since they were higher this year than last then perhaps some of those funds could be used to offset the budget this year.

Lisa Mitchell believed Manager Colon knew what she was doing and suggested the Commission listen to her recommendations.

Unidentified resident asked the Commission to take another look at the reserves. She said she would like to see the tax rate lowered.

Christie Furth asked to have funs budgeted for the Chamber.

With no one wishing to speak, Mayor Parker closed the public portion of the hearing.

Vice Mayor Yanni made a motion to adopt Resolution 2007-18. Commissioner McIntee seconded the motion.

Commissioner McIntee agreed that an extensive reserve was not needed. He believed the Town's catastrophic policy was sufficient.

Commissioner Silverstone made a motion to amend Exhibit "A". Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

In a roll call vote, the motion to adopt Resolution 2007-18 as amended carried 5-0.

**E. ANNOUNCEMENT OF 2ND AND FINAL PUBLIC HEARING ON
MILLAGE AND BUDGET**

Attorney Cherof announced the 2ND and Final Public Hearing on the Millage and Budget will take place September 27, 2007 at 7:00 p.m. in Jarvis Hall.

Commissioner Silverstone pointed out that items on this agenda were tabled from another agenda and asked if those items would need to be tabled further. Mayor Parker said they would.

Commissioner Silverstone made a motion to table the remainder of the agenda to Tuesday, September 25, 2007. Commissioner McIntee seconded the motion. In a roll call vote, the motion carried 5-0.

Commissioner McIntee requested an amendment to the motion to begin the September 25, 2007 meeting at 6:00 p.m. rather than 7:00 p.m.

Mayor Parker ordered the September 25, 2007 Commission meeting to begin at 6:00 p.m. There were no objections.

Below Items Tabled From September 11, 2007

13. OLD BUSINESS

- c. Discussion and/or action regarding change to El Mar Drive from present configuration to one lane (Commissioner Silverstone – tabled from June 12, 2007 meeting)
- d. Discussion and/or action regarding renewing performing arts center contract (Vice Mayor Yanni) (Tabled from July 10, 2007 meeting)
- e. Discussion and/or action regarding giving the Performing Arts Center priority with dates at Jarvis Hall (Mayor Parker) (Tabled from July 10, 2007 meeting)
- f. Staff has received a request for an additional time extension (unspecified duration) for the Duval Townhomes project located at 4209 and 4215 Seagrape Drive (See attached memorandum and applicant's justification letter) (Walter Keller, Town Planner) (Tabled from July 10, 2007 meeting)
- g. Discussion and/or action regarding Town hiring a fire inspector (Commissioner Silverstone) (Tabled from July 10, 2007 meeting with direction for BSO Fire to attend meeting)
- h. Discussion regarding unauthorized advertisements on Channel 78 "infomercials" at recent group meeting (Commissioner McIntee) (Tabled from July 24, 2007 meeting)

14. NEW BUSINESS

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- a. Discussion and/or action pertaining to Ordinance 2007-04 (Waiving Weekday Parking Meter Fees) (Commissioner Clark)
- b. Discussion and/or action to change zoning on the south of Commercial Boulevard from RM-25 to B-1 on the West Side of A1A. (Vice Mayor Yanni)
- c. Discussion and/or action pertaining to July 24, 2007 Consent Item 11-E: Construction of Permanent Monument Signage (Commissioner Silverstone)
- d. Discussion and/or action for reconsideration of Variance pertaining to 4243 Bougainvilla Drive (Commissioner McIntee)
- e. Discussion and/or action pertaining to reduction of one sergeant position with BSO – Police Contract (Commissioner McIntee)
- f. Discussion and/or action pertaining to Violation of Town's Code of Ordinance – Order Imposing Fine / Certificate of Lien / Abatement Order (Town Manager Esther Colon)
- g. Request to change Regular Commission Meeting date of December 25, 2007 (Town Clerk June White)

15. TOWN MANAGER REPORT

16. TOWN ATTORNEY REPORT

17. FUTURE AGENDA ITEMS

5. ADJOURNMENT

Commissioner Silverstone made a motion to adjourn the meeting. With no further business to discuss Mayor Parker adjourned the meeting at 11:36 p.m.

Mayor Oliver Parker

ATTEST:

Town Clerk, June White

Date